

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

FEB 24 2023  
LAURA A. AUSTIN, CLERK  
BY: s/ H. McDONALD  
DEPUTY CLERK

PATRICIA NEWELL,	)	
Plaintiff,	)	Civil No. 4:21-cv-007
	)	
v.	)	
	)	
CARTER BANK & TRUST,	)	By: Michael F. Urbanski
Defendant.	)	Chief United States District Judge

**ORDER**

At 12:47 p.m. on Friday afternoon, February 17, 2023, the parties emailed the clerk communicating that they had reached an agreed resolution of this case. Just under two hours later, at 2:45 p.m., the court signed a memorandum opinion and order granting summary judgment. The memorandum opinion and order were docketed on the next business day, Tuesday, February 21, 2023. See ECF Nos. 71 and 72.

Following docketing of the memorandum opinion and order on February 21, 2023, the court was apprised of the earlier email announcing the settlement of the case. The court requested a conference call with counsel, which was held on February 22, 2023. During the conference call, following a discussion of the sequence of events, the parties indicated that because the settlement was reached prior to the entry of the summary judgment opinion and order, they would proceed with the agreed-upon settlement.

Accordingly, under these most unusual circumstances, the court **VACATES** its memorandum opinion and order, ECF Nos. 71 and 72, and **DISMISSES** the case with prejudice, as agreed, based on the settlement reached by the parties.

It is **SO ORDERED**.

Entered: February 22, 2023

A handwritten signature in blue ink, appearing to read 'M. Urbanski', with a long horizontal flourish extending to the right.

Digitally signed by Michael F.  
Urbanski Chief U.S. District  
Judge  
Date: 2023.02.22 18:21:28 -05'00'

Michael F. Urbanski  
Chief United States District Judge